

UNITED STATES DISTRICT COURT  
for the

MAR - 3 2008

JOHN F. CORCORAN, CLERK  
BY: *M. Hupp*  
DEPUTY CLERK

Western District of Virginia

United States of America )  
 v. )  
 David Servin-Terrasas ) Case No: 4:06CR000004-001  
 ) USM No: 11956-084  
 Date of Previous Judgment: September 6, 2006 ) Defendant's Attorney  
 (Use Date of Last Amended Judgment if Applicable)

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months is reduced to \_\_\_\_\_.

**I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)**

Previous Offense Level: \_\_\_\_\_ Amended Offense Level: \_\_\_\_\_  
 Criminal History Category: \_\_\_\_\_ Criminal History Category: \_\_\_\_\_  
 Previous Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months Amended Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

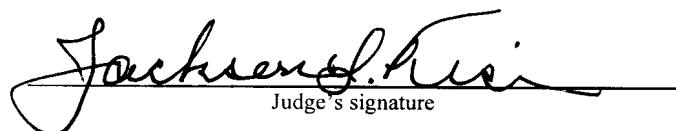
**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (explain): \_\_\_\_\_

**III. ADDITIONAL COMMENTS**

Defendant was already sentenced to the statutory minimum, and thus is ineligible for a reduction in sentence pursuant to 18 U.S.C. § 3582(c)(2).

Except as provided above, all provisions of the judgment dated 9/6/2006 shall remain in effect.

**IT IS SO ORDERED.**Order Date: 3/3/08

 Jackson Kiser  
 Judge's signature
Effective Date: 3/3/08  
(if different from order date)Jackson Kiser, Senior United States District Judge  
Printed name and title